

Dallastown Borough Planning Commission
Minutes: August 6, 2012

Case: **2012-4**

Applicant: **Sidereal House LLC**

Address: **48 E. Gay St., Dallastown, PA 17313 (Map 4, Parcel 0051 A0)**

Zoned: **R-T**

Sidereal House LLC is requesting a Variance from Section 303 (Residential-Outlying Zone). The applicant is seeking approval to teach music and art classes (Commercial School) out of the vacant commercial space on the property, owned by Walt Miller, 48 E. Gay St., Dallastown, PA 17313.

Meeting called to order at 7:02 pm. Representatives of the applicant were present: Timothy Renner, Don Belch (Partner) and Allison Renner. Mr. Renner testified that they intend to rent the property and to use the bottom (walk-in) floor only of property to teach art and music lessons. The second consists of an apartment occupied by the property owner, Walter Miller, who also uses the business office on the first floor.

When asked the number of teachers and lessons intended, Mr. Renner indicated that they want to grow the business slowly and they haven't actively recruited other teachers as of yet, but that they would like to have three to four teachers at one time to teach private lessons - up to 4 students maximum.

They plan to have a waiting area for parents, but it's anticipated that most will drop-off the students for their lessons. Mr. Belch teaches professionally now, students aged 5 to 60 years of age. Anticipated hours of operation will likely be 10:00 am - 8:00 or 9:00 pm, though the bulk will be during after school/work hours. There could be up to a maximum of eight (8) people there that would require parking. Applicants intend to use six (6) front parking spaces for students and the rear parking spaces for staff/teachers. The Chair asked if there is separate water to the first floor and the answer to this question was not entirely clear and it was established that it is an administrative matter. The diagram provided reflects the current physical state/arrangement of the property.

Mr. Taggart indicated that because Applicants have requested a variance, there are no set requirements and any limitations will be based upon what's agreed-upon. Commercial School is not a special exception use and there is still dual use with the apartment upstairs. A Commission member stated that they personally viewed the property and parking potential. There were no photographs made available of the property, though a diagram was presented. It was observed that there is an old garage and barn that needs to be torn down as it is in bad shape, which would free up additional parking. Another diagram provided reflects 15 spaces total available around the property, though it is believed that more can be made from the existing space. It was clarified that street parking spaces

cannot be included in the count. The Chair asked if handicapped parking is available and was advised that there is a handicap ramp to the property. They could be creative with existing resources to accommodate such needs. Mr. Renner feels strongly that he can outline more parking spaces behind the building. 200 Sq. Ft. is called for in the ordinance, which equals 10' x 20' spaces. The Chair also suggested that Mr. Miller's parking space and 1 extra should be marked off as private parking for the property owner. Parking is the most challenging component of this process due to the level of density of our community and shortage of space for parking. The Commission believes that ten (10) to fourteen (14) spaces would be needed and Mr. Taggart can be of assistance to measure it out and walk it off with the Borough's tape device.

A Commission Member asked what documentation would be required to tear down the barn and garage and Mr. Taggart stated that it would simply be a permit and would be impervious. It was established that there is a long history of commercial use of the property being discussed, including a hardware store, computer repair, and a builder. A Commission Member asked if they plan signage, though indicated that they don't anticipate anything more than something on the building itself. Signage requirements for school properties were briefly discussed as well as the definition of commercial school. Signage limitation would be 20 sq. ft., depending on how they wish to divide it. The signage was a significant concern of the Renners.

The Chair asked when Applicants plan to open for business, to which they responded that they are hoping for September with 1 full-time and 1 part-time teacher, likely starting with limited hours in the beginning (10-3/5 on weekends).

Betty Hamm, an interested resident, was also in attendance. She stated that she and her husband own an adjoining property (35 E. Boundary Avenue (51C)) and that there is a private road between streets. She testified to a long-term lack of maintenance, deterioration and "ugliness" of the property being discussed and asked if building permits will be needed for the intended improvements to the property. Mr. Taggart answered that permits would only be needed if physical improvements were being planned. At this time, the Applicants plan to use the building as is. Mrs. Hamm also asked if any inspections would be needed, to which Mr. Taggart answered only if a permit is requested. Additionally, since the upstairs living space is not a rental property (which would be inspected every other year), but the property owner's residence, it would not be required to be inspected. She asked if the Planning Commission was concerned with the condition of the property and added that there are windows missing in the apartment, which have been wrapped in plastic for years. There are doors missing in the barn and cats taking residence in the dilapidated structure are an issue. Mr. Renner indicated that they plan to tear down the barn structure eventually, which interest is shared by Mr. Miller, the property owner. The Renners are friends of Mr. Miller and want to help him with the care and maintenance of the building. Mrs. Renner expressed that she shares the concerns with the condition of the building and property. Mrs. Hamm also asked if there are any plans for bands playing on property and stated her concerns on the subject of noise. Applicants stated that there is the potential that there would be rock band lessons done there, which Mr. Taggart added would be subject to existing noise ordinances.

Mrs. Hamm also presented concerns of the building's assessment (\$65,000) value and stated that taxes are not being collected on the property due to a glitch in county records. It was established that these particular concerns are matters for the Borough administration and not for the Planning Commission. Mrs. Hamm is concerned that the Borough and school have not been receiving the benefit of taxes on the property as it is not on the county record. Her concerns will be presented to Borough Administration for review and consideration.

The Chair reviewed that the Planning Commission is more informal and it makes recommendations to the Zoning Hearing Board based on testimony provided at this meeting for their review and consideration. She suggested that photographs be taken and provided (408B - parking) of the property for their use in voting on the matter.

The Planning Commission unanimously recommend approval of the requested variance in the residential outlying zone based on the information provided based on testimony with between ten (10) and fifteen (15) parking spaces within operating hours of 10:00 AM and 9:00 PM Monday through Friday and 10:00 AM and 5:00 PM on Saturday, contingent on the 20 Sq. Ft cumulative signage space for a school and whatever prevailing ordinances that are in place for such property.

The Commission asked Applicants to please work with Mr. Taggart to get pictures of the property for the Zoning Hearing Board and to also look at night time lighting for students' and teachers' safety.

Attendance: Susan Sprague, Chair
Doug Miller, Vice-Chair
George McCallum (R)
Edward Coeyman (F)
Leigh Ann Stambaugh, Secretary

Other: Nate Taggart, Planning & Zoning

Prepared by: Leigh Ann Stambaugh